

## STUDENT INTELLECTUAL PROPERTY POLICY (HE)

### 1. Purpose and Objectives

- 1.1 This policy establishes the framework and guiding principles for the management of intellectual property at LCBA, including the rights and responsibilities of students and LCBA in relation to the ownership and use of intellectual property.

### 2. Scope

- 2.1 This policy applies to:
- all domestic and international students; and
  - staff involved in decisions and processes relating to LCBA intellectual property.
- 2.2 Where a student is also a member of LCBA staff, the student will be considered a member of LCBA staff for the purposes of intellectual property and relevant staff provisions relating to intellectual property will apply instead of this policy.

### 3. Legislative Context

- Copyright Act 1968
- Designs Act 1906
- Higher Education Standards Framework (Threshold Standards) 2015
- Patents Act 1990
- Trade Marks Act 1995

### 4. Policy Statement

- 4.1 LCBA promotes and supports innovation and free academic inquiry for all students. LCBA will share the knowledge generated from these activities with the broader community while protecting its interests and those of creators.
- 4.2 LCBA promotes the respect for, and raises student and staff awareness of, intellectual property rights.
- 4.3 LCBA protects its commercial and intellectual property ethically and sustainably.

### 5. Policy

- 5.1 LCBA does not assert ownership of intellectual property created by students unless:
- 5.1.1 it arises from scholarly work of joint authorship by one or more students and one or more staff or affiliates;
  - 5.1.2 substantial use has been made of LCBA resources or intellectual property;
  - 5.1.3 specifically determined in an agreement with the student or partner of LCBA;
  - 5.1.4 it is created by the student as part of a graded academic assessment, such as an examination, essay, food product or composition or any written, practical, digital, recorded or other form of assessable output; or
  - 5.1.5 it has commercial potential.
- 5.2 LCBA may commercialise the intellectual property that it owns, via licences and assignments, authorising its use by third parties.

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- 5.3 Students who create intellectual property are consulted about whether and how to commercialise it.
- 5.4 Where LCBA chooses not to commercialise intellectual property, LCBA may assign the intellectual property to the creator at its discretion, subject to the granting of a perpetual, royalty-free, non-exclusive licence to LCBA to use the intellectual property.
- 5.5 Where LCBA does not assign intellectual property rights to the student, the publication, sharing or transfer of LCBA intellectual property to third parties by the student without LCBA's express approval will be subject to sanction in accordance with LCBA's policies and procedures.
- 5.6 LCBA may retain the original or a copy of any work submitted by a student as part of their course of study, including for quality assurance, teaching case study material, or promotional purposes.
- 5.7 LCBA recognises the moral rights of the creators of intellectual property, i.e.:
- 5.7.1 to be attributed or credited for their work;
  - 5.7.2 not to have their work falsely attributed; and
  - 5.7.3 not to have their work treated in a derogatory way.
- 5.8 Disputes relating to intellectual property are dealt with under the Students Complaints and Appeals Policy, and the Academic Integrity Policy.
- 5.9 LCBA enters into adequate written agreements with Co-delivery Partners and other parties in relation to intellectual property, including for the ownership of any intellectual property generated by students in the course of work-integrated learning.

### 6. Roles and Responsibilities

Roles	Responsibilities
Executive Dean	<ul style="list-style-type: none"> <li>▪ Consult with students on commercialisation of the intellectual property they created</li> <li>▪ Enter into adequate written agreements on the management of intellectual property prior to commencement of activities involving students and third parties</li> </ul>
Students	<ul style="list-style-type: none"> <li>▪ Disclose the creation of intellectual property which may be reasonably expected to have commercial potential</li> </ul>

### 7. Definitions

'Intellectual Property' means any proprietary right which arises under, or is capable of being obtained under, legislation relating to copyright, patents, designs, trademarks, circuit layouts or plant varieties; and any common law intellectual property, including know-how, trade secrets and confidential information.

### 8. Related Documents

- Assessment Policy HE
- Academic Integrity Policy
- Student Complaints and Appeals Policy
- Student Code of Conduct

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### 9. Implementation

- 9.1 The Executive Dean is responsible for ensuring that future major changes to this policy will be accompanied by a completed Implementation Plan and presented with the policy to the Academic Board.
- 9.2 The Implementation Plan will include a Communication Strategy that identifies key stakeholders and the requirements for effectively implementing and monitoring this policy.

### 10. Summary of changes since last review

Authored by	Description
Executive Dean	New Policy